Doc Code: AP.PRE.REQ

| PRE-APPEAL BRIEF REQUEST FOR REVIEW | Docket Number (Optional) |
|---|---|
| | CH920000068US1 / I45-0004 |

| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR | Application Number | Filed |
|---|---|---|
| | 09/683,972 | March 7, 2002 |
| on _____ | First Named Inventor | |
| | Klaus Kursawe | |
| Signature _____ | Art Unit | Examiner |
| Typed or printed name _____ | 3624 | James M. Alpert |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

_____
Signature

Marisa J. Dubuc
Typed or printed name

860-286-2929
Telephone number

May 9, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ___ forms are submitted.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant: | Klaus Kursawe | ) ) Group Art Unit: 3624 |
| Serial No.: | 09/683,972 | ) ) |
| Filed: | March 7, 2002 | ) Examiner: James M. Alpert ) |
| For: | METHOD FOR CREDIT CARD NOTIFICATION | ) ) Confirmation No: 9293 ) |

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed March 9, 2006, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

## REMARKS

Claims 1,2, 4-7 and 9-20 are pending in the instant application. Claims 1,2, 4-7 and 9-20 have been rejected under 35 U.S.C. 103 as being allegedly unpatentable over U.S. Patent No. 5,878,337 to Joao, et al. (hereinafter "Joao") in further view of U.S. Patent No. 2003020684 to Camacho, et al. (hereinafter "Camacho"), and in further view of U.S. Patent No. 6,827,260 to Stoutenberg, et al. (hereinafter "Stoutenberg"). The Applicants submit that the rejections of claims 1,2, 4-7 and 9-20 are in error because the Examiner has not met the burden of establishing a *prima facie* case of obviousness in contravention of the provisions of 35 U.S.C. 103.

The Applicants submit that there is clear error in the outstanding rejections under 35 U.S.C. 103(a) because the combination of the cited references do not teach or suggest all of the claim limitations.

With regard to independent claims 1,11,12, and 13, in the Final Office Action, the Examiner relies upon Camacho for teaching the first limitation:

"comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder", citing page 4 paragraph 42.

The Examiner then states that Joao teaches the second and third limitations comprising:

"deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity", citing column 5, lines 40-51; and

"providing the information (Z) to the account holder through the device, the device associated with the account holder" (citing column 6, lines 4-32).

The Applicants submit that the Examiner has erred in the rejections of claims 1, 11, 12 and 13 because the combination of Joao and Camacho would not result in the first three features recited in Applicants' claims 1, 11, 12, and 13 as suggested by the Examiner.

The actual value (a), as disclosed on page 4, paragraph 42 of Camacho, relates to an authentication value. The relevant portions of Camacho states that a purchase request is "first processed to ensure that business-filtering rules are applied to the transaction by way of the Filter Manager 208. This filtering process quickly *identifies those transactions that warrant further authentication*, or which may be immediately rejected by the system. After the request is

evaluated, the transaction is processed by the Identity Manager 210. The Identity Manager ensures that the required information is available to the PDI system 100 to *properly identify the consumer* and ensure that registration information is available. After the Identity Manager 210 retrieves the consumer context, the Transaction Rules Manager 212 then processes the request. For example, the Transaction rules Manager 212 processes the request against company level (i.e. business) rules to *determine if authentication is required* and, if so, what type should be requested of the consumer." Thus, the only actual value (a) disclosed here in Camacho is a value that relates directly to *authentication of the requesting party*. Further, paragraph 42 of Camacho teaches that the preset parameter to which the actual value is compared relates to registration and authentication information at the PDI web-enabled server on behalf of a storefront site. Upon a review of the Camacho reference, it is unclear whether the account holder is a consumer, business entity, or the storefront.

With respect to the second limitation of claims 1, 11, 12, and 13, the Examiner states that Joao teaches "deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity", citing column 5, lines 40-51.
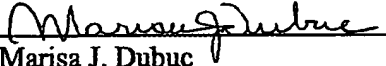
Column 5, lines 40-51 and column 6, lines 18-24 of Joao teach that the information (Z) refers to "information and/or data *identifying the transaction* and may include the name of the store or the service provider and the amount of the transaction. The information and or data may also provide the time of the transaction, the location...of the transaction" (column 6, lines 18-24). Thus, if the actual value (a) as taught by Camacho refers to authentication data, then the Applicant submits that the combination of Camacho and Joao, as applied to the Applicants' claims 1, 11, 12, and 13, would result in *deriving purchase transaction information (information (Z) as taught by Joao) in response to a transaction (n) that influences a consumer's authentication information (actual value (a) as taught by Camacho).* Thus, the combination of Camacho and Joao would not result in the Applicants' claims 1, 11, 12, and 13 as indicated by the Examiner. Accordingly, because Camacho and Joao do not teach or make obvious the limitations recited in Applicants' claims 1, 11, 12, and 13, the Applicants submit that there exists clear error in the outstanding rejections of claims 1, 11, 12, and 13.

## CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1, 2, 4-7 and 9-20 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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